

*****CONFIDENTIAL DEPOSITION*****

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Leighton Technologies, LLC,)

Plaintiff-Counterclaim)

Defendant,) Case No.

-vs-) 04Civ

Oberthur Card Systems, S.A.,) 2496(CM)

Defendant-Counterclaim)

Plaintiff.)

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Deposition of KEITH R. LEIGHTON, a witness herein, called by the Defendant-Counterclaim Plaintiff, as if upon cross-examination under the statute, and taken before Luanne Stone, a Notary Public within and for the State of Ohio, pursuant to the issuance of notice and subpoena, and pursuant to the further stipulations of counsel herein contained, on Sunday, the 9th day of October, 2005 at 9:00 o'clock A.M., at the Renaissance Hotel, the City of Cleveland, the County of Cuyahoga and the State of Ohio.

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**Tackla
& Associates**

Court Reporting & Videotaping

Tackla & Associates
Ohio Savings Plaza
1801 E. Ninth Street
Cleveland, Ohio 44114

216-241-3918 • Fax 216-241-3935

1 APPEARANCES:

2 On behalf of the Plaintiff-

3 Counterclaim Defendant:

4 Sutherland, Asbill & Brennan, LLP,

5 by:

6 Robert A. Gutkin, Esq.

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9 On behalf of the Defendant-

10 Counterclaim Plaintiff:

11 Baker & McKenzie, by:

12 James David Jacobs

13 Frank M. Gasparo, Esq.

14

15 ALSO PRESENT:

16 Jean-Claude Huot

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1 the pressure during the cooling while making
2 plastic laminated cards to be at least ten
3 percent greater than the pressure during the
4 heating?

5 MR. GUTKIN: Vague and ambiguous.

6 BY MR. JACOBS:

7 Q Is that correct?

8 A I thought we've already gone through
9 this.

10 Q It's a slightly different question. I'm
11 just trying to understand, Mr. Leighton,
12 what 2B did, and -- and I've gotten a number
13 of different answers, and I'm just trying to
14 pin down what the correct one is.

15 A You keep asking if I ever increased
16 pressure.

17 Q Yes.

18 A Yes, I've -- I have increased pressure
19 to facilitate the product that I was making.

20 Q And the reason why you increased the
21 pressure was to make a smooth surface; is
22 that correct?

23 A A smooth surface, and to prevent warping
24 of the product.

25 Q And you increased the pressure to, I

1 think you said before, to insure there
2 wouldn't be voids?

3 A Correct.

4 Q What -- what's -- what's a void in a
5 card?

6 A It would be a portion of the card that
7 would not have equal surface pressure under
8 it. Let's say, if you had a build-up of ink
9 where you have maybe four or five layers of
10 silk screen printing -- I don't know whether
11 you're familiar with silk screen printing.
12 You go to your shopping malls, and you'll
13 find someone doing T-shirts --

14 Q Uh-huh.

15 A -- where the ink is very thick, and you
16 can feel the thickness of it. Well, if you
17 have many layers of that ink, and you
18 laminate a card that has rigid vinyl
19 underneath it, you have a layer, so you're
20 going to have loops and valleys. A void is
21 where the pressure's on the outside edges of
22 that, and you have a low spot, you're going
23 to have a sink in -- in the card, and it
24 will not be smooth and glossy and pretty
25 like your -- your ATM cards that you have in